

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**BERNARD E. SMITH,**

**Petitioner,**

**v.**

**Civil Action No. 2:07cv20  
(Judge Maxwell)**

**JOE DRIVER, Warden,**

**Respondent.**

**ORDER GRANTING MOTION TO AMEND**

Pursuant to Rule 15(a) and (d) of the Federal Rules of Civil Procedure, the petitioner's motion to amend and supplement his habeas petition (dckt. 10) is **GRANTED**.<sup>1</sup> The petitioner shall have twenty (20) days to file an amended petition. The respondent shall have thirty (30) days thereafter to file any supplemental response he may have.

IT IS SO ORDERED.

The Clerk is directed to send a copy of this Order to the *pro se* petitioner and counsel of record, as applicable.

DATED: November 15, 2007.

/s *John S. Kaull*

JOHN S. KAULL  
UNITED STATES MAGISTRATE JUDGE

---

<sup>1</sup> At the time the motion was filed, no responsive pleading had yet been filed by the respondent. Therefore, the petitioner was entitled to amend his petition as a matter of course. See Fed.R.Civ.P. 15(a).